

DRAFT



City of Santa Barbara Planning Division

PLANNING COMMISSION MINUTES

August 12, 2010

CALL TO ORDER:

Chair Bartlett called the meeting to order at 1:01 P.M.

I. ROLL CALL

Chair Bruce Bartlett, Vice-Chair John Jostes, Commissioners Charmaine Jacobs, Mike Jordan, Stella Larson, Sheila Lodge, and Deborah L. Schwartz.

Commissioner Larson arrived at 1:04 P.M.

Commissioner Jacobs arrived at 1:07 P.M.

STAFF PRESENT:

Bettie Weiss, City Planner
N. Scott Vincent, Assistant City Attorney
Rob Dayton, Principal Transportation Planner
Steve Foley, Supervising Transportation Planner
Allison De Busk, Project Planner
Irma Unzueta, Project Planner
Suzanne Riegle, Assistant Planner
Chelsey Swanson, Associate Transportation Planner
Julie Rodriguez, Planning Commission Secretary

II. PRELIMINARY MATTERS:

A. Action on the review of the following Draft Minutes and Resolutions:

1. Draft Minutes of June 17, 2010 **Continued from July 15, 2010**
2. Draft Minutes of July 15, 2010
3. Resolution 007-10
402 S. Hope Avenue
4. Resolution 008-10
512 Bath Street

MOTION: Schwartz/Jostes

Approve the minutes and resolutions as corrected.

This motion carried by the following vote:

Ayes: 6 Noes: 0 Abstain: As noted. Absent: 1(Jacobs)

Commissioners Jacobs and Larson abstained from the Minutes of June 17, 2010.

Commissioners Jostes and Lodge abstained from the Minutes and Resolutions of July 15, 2010.

Commissioner Bartlett abstained from Resolution 008-10 and related Minutes of July 15, 2010.

- B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

None.

- C. Announcements and appeals.

Ms. De Busk made the following announcements:

1. The appeal of 401½ Old Coast Highway will be heard by City Council on Tuesday, August 17, 2010. Commissioner Lodge will represent the Commission.

- D. Comments from members of the public pertaining to items not on this agenda.

Chair Bartlett opened the public hearing at 1:07 P.M. and, with no one wishing to speak, closed the hearing.

III. NEW ITEM:

ACTUAL TIME: 1:07 P.M.

EX PARTE COMMUNICATION:

Commissioner Jordan disclosed an ex parte communication with Bill Collier, Downtown Organization regarding his thoughts on the project.

APPLICATION OF BRIAN CEARNAL, ARCHITECT FOR VICTORIA STREET PARTNERS, LLC, 34 W. VICTORIA STREET, 039-131-016, C-2 COMMERCIAL ZONE, GENERAL PLAN DESIGNATION: OFFICES AND RESIDENTIAL (MST2009-00266)

The project involves the redevelopment of a 1.35-acre site located at the northern corner of Victoria and Chapala Streets. The project includes demolition of the existing 20,125 square foot commercial building (formerly occupied by Vons supermarket) and associated parking lot, and the construction of a new mixed-use development containing 23,125 square feet of commercial space and 37 residential condominiums above an underground parking garage containing 78 parking stalls. Sixty-one bicycle parking stalls would be provided. The mural located on the existing building wall along Victoria

Street is proposed to be relocated and incorporated into the new building along the Chapala Street façade as part of the project.

The commercial development would include approximately 14,703 square feet of market, 7,490 square feet of commercial/retail and 932 square feet of miscellaneous/accessory floor area, and 39 parking stalls. Two of the parking stalls would be reserved as “car-share” spaces.

The residential development includes 37 units (32 market-rate units and 5 inclusionary units) comprised of 5 studios, 29 one-bedroom units and 3 two-bedroom units, with 39 assigned parking stalls. The residential portion of the development also includes 7,577 square feet of accessory area that consists of two guest rooms, a club room, a lobby, individual storage units and miscellaneous accessory space.

Public improvements including new sidewalk, curb and gutter and street trees are required. Vehicular access to the underground parking garage would be provided from Chapala Street. Grading is anticipated to consist of approximately 20,000 cubic yards of cut.

The discretionary applications required for this project are:

1. A Development Plan to allocate 3,000 square feet of nonresidential square footage from the Minor and Small Addition categories (SBMC §28.87.300); and
2. A Tentative Subdivision Map for a one-lot subdivision to create thirty-seven (37) residential condominium units, and 23,125 square feet of commercial condominium space (that may be divided into as many as three condominium units) (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332.

Case Planner: Allison De Busk, Project Planner
Email: ADebusk@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4552

Case Planner: Allison De Busk, Project Planner, gave the Staff presentation.

Marge Cafarelli, Urban Developments, gave introductory remarks and introduced the applicant team of Brian Cearnal and Joe Andrulaitis, Cearnal Andrulaitis Architects; Pam Post and Tim Hazeltine, Post/Hazeltine Consultants; Bob Cunningham, Landscape Consultant; Scott Schell, Traffic Consultant; Ken Marshall, Environmental Consultant; Sherry Villanueva, Public Market Project Manager. Mr. Cearnal gave the applicant presentation.

Chair Bartlett opened the public hearing at 1:52 P.M.

Michael Drury and Robert Adams, Historic Landmarks Commissioners (HLC), believe that it is a good project and provided additional recommendations on areas of the project that

could be changed to maintain the public view corridors of the Arlington Theatre. Additional details will be worked out with the applicant during further HLC review to provide good framing, view protection, and landscaping.

The following people spoke in support of the project:

1. Ann Hutchins
2. Teri Lee
3. Mitchell Sjerven, Owner of Bouchon Restaurant

The following people were in support of the project with concerns:

1. Wally Ronchietto, Owner of Café Buenos Aires Restaurant, liked the project, but remained concerned with the limited parking and impact to neighboring businesses.
2. Dave Lombardi, Owner of Fast Frame, also liked the project, but shared the concern with the limited parking and asked the Commission to give consideration to the parking impact of fewer parking spaces resulting from the project.

Mr. Lombardi submitted a petition signed by 29 neighboring businesses sharing the same concern.

With no one else wishing to speak, the public hearing was closed at 2:15 P.M.

MOTION: Jostes/Schwartz

Assigned Resolution No. 009-10

Approved the project, making the findings for the Development Plan and Tentative Subdivision Map as outlined in the Staff Report, subject to the Conditions of Approval in Exhibit A of the Staff Report, with the following revisions to the Conditions of Approval:

1) Applicant to apply for Landmark or Structure of Merit status for the mural that will be relocated to the Chapala Street frontage based on Historic Landmark Commission's (HLC) direction; 2) provide greater clarity on the management and operational details; 3) restudy areas adjacent to the southwest corner of the Arlington Theater to provide greater pedestrian width and pedestrian movement; 4) Applicant shall work with the Public Works Department to facilitate the use of solar water heating through provision of a single meter, and 5) allow for secured bicycle parking facility to be split between the underground parking facility and for public bicycle parking adjacent to the public market located within the four locked areas subject to HLC approval; 6) the Applicant shall work with the HLC to study the southeast corner of the market.

This motion carried by the following vote:

Ayes: 5 Noes: 2 (Jacobs, Lodge) Abstain: 0 Absent: 0

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing the following two agenda items:

Commissioner Bartlett recused himself due to his firm doing work on a related project for the Applicant.

Commissioner Larson recused herself due to her husband working for Santa Barbara Cottage Hospital.

Chair Bartlett called for a recess at 4:26 P.M. and Commissioner Jostes reconvened the meeting as Chair at 4:39 P.M.

IV. DISCUSSION ITEM

ACTUAL TIME: 4:39 P.M.

APPLICATION OF SUZANNE ELLEDGE, AGENT FOR SANTA BARBARA COTTAGE HOSPITAL (SBCH), 320 WEST PUEBLO STREET, APNS: 025-100-001; 025-061-015; & 025-171-050; SP-8 HOSPITAL ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL/MEDICAL CENTER (MST2003-00152)

Staff will present a progress report of Santa Barbara Cottage Hospital's construction activities for the past five years. The report will include the status of the project schedule, tree protection, construction traffic, solid waste reduction, other issues and concerns identified during construction, and accomplishments. **No formal action on the project will be taken during this discussion item.**

Case Planner: Irma Unzueta, Project Planner

Email: IUnzueta@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 4562

Irma Unzueta, Project Planner, gave the Staff presentation.

Suzanne Elledge, Susan Elledge Planning and Permitting Services, gave the applicant presentation.

Chair Jostes opened the public hearing at 5:06 P.M., and with no one wishing to speak, closed the hearing.

The Planning Commission acknowledged that the Applicant and Staff's mitigation monitoring efforts have been successful, as indicated by the small number of complaints received given the scale and magnitude of the project, and the absence of any public comments received for the hearing.

V. **SUBSTANTIAL CONFORMANCE DETERMINATION REQUEST:**

ACTUAL TIME: 5:11 P.M.

RECUSALS: To avoid any actual or perceived conflict of interest, the following Commissioners recused themselves from hearing this item:

Commissioner Bartlett recused himself due to his firm doing work on a related project for the Applicant.

Commissioner Larson recused herself due to her husband working for Santa Barbara Cottage Hospital.

APPLICATION OF SUZANNE ELLEDGE, AGENT FOR SANTA BARBARA COTTAGE HOSPITAL (SBCH), 320 WEST PUEBLO STREET, APNS: 025-100-001; 025-061-015; & 025-171-050; SP-8 HOSPITAL ZONE, GENERAL PLAN DESIGNATION: MAJOR PUBLIC AND INSTITUTIONAL/MEDICAL CENTER (MST2003-00152).

On March 24, 2005, the Santa Barbara Cottage Hospital (SBCH) Modernization Plan was approved by the Planning Commission, which is currently under construction. Due to recent changes in both state and federal law, requiring the hospital to maintain sufficient provisions and medical supplies to operate for 96 hours in the event of an emergency, the hospital is requesting a Substantial Conformance Determination. The request is to allow the expansion of the approved basement floor area by 10,600 square feet (s.f.) to accommodate the storage of such provisions. The proposal does not increase the building's footprint. The request would require City Council to approve an allocation of 10,600 s.f. of new non-residential square footage under SBMC§28.87.300 under the dual designation of Community Priority and Economic Development.

The Community Development Director will ultimately make a determination as to whether the proposed changes are in substantial conformance with the approved project. The purpose of the discussion is to allow the Planning Commission an opportunity to review the proposed changes to the approved project and provide input to the Community Development Director with regard to the Substantial Conformance Determination request, and to provide a recommendation to the City Council with regard to the square footage allocations.

Required Applications

The discretionary applications required for this project are:

1. A Substantial Conformance Determination that the additional construction of 10,600 square feet of nonresidential development is consistent with the previously approved the Development Plan Approval. (SBMC §28.87.300 & 28.94.050); and

2. Recommendation to City Council to allocate 10,600 s.f. of additional non-residential square footage to the project under Economic Development with a dual designation as a Community Priority.

The Planning Commission certified the Final Environmental Impact Report (FEIR) for the project on March 24, 2005 pursuant to the California Environmental Quality Act Guidelines Section 15091. An addendum to the certified FEIR was prepared pursuant to California Environmental Quality Act Guidelines Section 15164.

Case Planner: Suzanne Riegle, Assistant Planner
Email: SRiegle@SantaBarbaraCA.gov

Phone: 805-564-5470, ext. 2687

Suzanne Riegle, Assistant Planner, gave the Staff presentation.

Susan Elledge, Susan Elledge Planning and Permitting Services, gave the applicant presentation.

Chair Jostes opened the public hearing at 5:13 P.M. and with no one wishing to speak closed the hearing.

MOTION: Lodge/Schwartz

Recommended that the Community Development Director approve the Substantial Conformance Determination Request finding that it is consistent with the previously approved Development Plan approval, and recommended that City Council make a preliminary and final allocation of 10,600 square feet of non-residential square footage under the designation of economic development with a dual designation as a community priority.

This motion carried by the following vote:

Ayes: 5 Noes: 0 Abstain: 0 Absent: 2 (Bartlett, Larson)

VI. ADMINISTRATIVE AGENDA

ACTUAL TIME: 5:17 P.M.

The Administrative Agenda was continued to the Planning Commission meeting of August 19, 2010.

VII. ADJOURNMENT

Chair Bartlett adjourned the meeting at 5:17 P.M.

Submitted by,

Julie Rodriguez, Planning Commission Secretary



City of Santa Barbara California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 009-10

34 W. VICTORIA STREET

TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN

AUGUST 12, 2010

**APPLICATION OF BRIAN CEARNAL, ARCHITECT FOR VICTORIA STREET PARTNERS, LLC,
34 W. VICTORIA STREET, 039-131-016, C-2 COMMERCIAL ZONE, GENERAL PLAN
DESIGNATION: OFFICES AND RESIDENTIAL (MST2009-00266)**

The project involves the redevelopment of a 1.35-acre site located at the northern corner of Victoria and Chapala Streets. The project includes demolition of the existing 20,125 square foot commercial building (formerly occupied by Vons supermarket) and associated parking lot, and the construction of a new mixed-use development containing 23,125 square feet of commercial space and 37 residential condominiums above an underground parking garage containing 78 parking stalls. Sixty-one bicycle parking stalls would be provided. The mural located on the existing building wall along Victoria Street is proposed to be relocated and incorporated into the new building along the Chapala Street façade as part of the project.

The commercial development would include approximately 14,703 square feet of market, 7,490 square feet of commercial/retail and 932 square feet of miscellaneous/accessory floor area, and 39 parking stalls. Two of the parking stalls would be reserved as "car-share" spaces.

The residential development includes 37 units (32 market-rate units and 5 inclusionary units) comprised of 5 studios, 29 one-bedroom units and 3 two-bedroom units, with 39 assigned parking stalls. The residential portion of the development also includes 7,577 square feet of accessory area that consists of two guest rooms, a club room, a lobby, individual storage units and miscellaneous accessory space.

Public improvements including new sidewalk, curb and gutter and street trees are required. Vehicular access to the underground parking garage would be provided from Chapala Street. Grading is anticipated to consist of approximately 20,000 cubic yards of cut.

The discretionary applications required for this project are:

1. A Development Plan to allocate 3,000 square feet of nonresidential square footage from the Minor and Small Addition categories (SBMC §28.87.300); and
2. A Tentative Subdivision Map for a one-lot subdivision to create thirty-seven (37) residential condominium units, and 23,125 square feet of commercial condominium space (that may be divided into as many as three condominium units) (SBMC 27.07 and 27.13).

The Environmental Analyst has determined that the project is exempt from further environmental review pursuant to the California Environmental Quality Act Guidelines Section 15332.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, 5 people appeared to speak in favor of the application and or with concerns, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 5, 2010.

2. Site Plans
3. Correspondence received in support of the project:
 - a. Petition submitted by applicant with 5 signatures by surrounding businesses
4. Correspondence received in opposition to the project or with concerns:
 - a. Paula Westbury, Santa Barbara, CA
 - b. David Lombardi, Santa Barbara, CA submitted a petition with 29 signatures by surrounding businesses

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission:

I. Approved the subject application making the following findings and determinations:

A. The Development plan (SBMC §28.87.300.D)

1. The proposed development complies with all provisions of Title 28.
As identified in Section V of the staff report, the project complies with all provisions of the City's Zoning Ordinance (Title 28).
2. The proposed development is consistent with the principles of sound community planning.
As described in Section VI of the staff report, the project is an infill mixed-use project proposed in an area where commercial and residential developments are permitted uses. The project is located in Downtown Santa Barbara, in the delineated Central Business District (CBD), an area envisioned for higher intensity commercial uses, with high density residential development on the periphery. Given the site's location near the northern edge of the downtown and CBD, development with a commercial and higher residential project is appropriate. The project is adequately served by public streets, public transportation and utilities.
3. The proposed development will not have a significant adverse impact upon the neighborhood's aesthetics/character in that the size, bulk or scale of the development will be compatible with the neighborhood.
As described in Section VI of the staff report, the design has been reviewed by the City's design review board, which found the architecture and site design appropriate. Specifically, the project has been designed to be sensitive to the adjacent Arlington Theater, a designated City Landmark. The immediate neighborhood contains a mixture of one and two-story developments, with primarily one-story buildings fronting on State Street and the much taller Arlington Theater to the north and the Victoria Theater to the south. The project contains one- and two-story development along the street (Chapala and Victoria), with three story structures located on the interior of the lot. The project includes courtyards and paseos, consistent with the historic and encouraged development pattern in the area.
Final review of the project, including architectural details, outdoor lighting, mechanical equipment and landscaping, will be provided by the Architectural Board of Review.

4. The proposed development will not have a significant unmitigated adverse impact upon City and South Coast affordable housing stock.

The project includes only a very small increase in non-residential floor area, and no existing residential units would be eliminated. The project also provides 37 new residential units, ranging in size from 624 to 1,913 square feet, with the majority of units provided as one-bedroom and an average of 1,050 square feet. Five of the units are designated as affordable to middle-income homebuyers, in accordance with the City's Inclusionary Housing Ordinance. The project will benefit the City's housing stock and will not have an adverse impact on affordable housing stock.

5. The proposed development will not have a significant unmitigated adverse impact on the City's water resources.

As described in Section VI.C.5. of the staff report, adequate City services, including water, are currently available to the project site. Water resource impacts are not anticipated as a result of the construction of 37 additional residential condominiums and a net increase of 3,000 square feet of non-residential floor area.

6. The proposed development will not have a significant unmitigated adverse impact on the City's traffic.

As explained in Section VI.C.4 of the staff report, the project will not generate substantial traffic and will not significantly impact any area intersections.

7. Resources will be available and traffic improvements will be in place at the time of project occupancy.

The project site is adequately served by existing public streets and utilities. No traffic improvements are required as part of the project; however, required sidewalk improvements must be completed prior to project occupancy, as outlined in the project's conditions of approval.

B. The Tentative Map (SBMC §27.07.100)

The Tentative Subdivision Map is consistent with the General Plan and the Zoning Ordinance of the city of Santa Barbara as discussed in Sections VI.B and V, respectively, of the staff report. The site is physically suitable for the proposed in-fill development, the project is consistent with the variable density provisions of the Municipal Code and the General Plan as identified in Section V of the staff report, and the proposed use is consistent with the vision for the Downtown neighborhood of the General Plan, as discussed in Section VI.B of the staff report. As discussed in Section VI.C of the staff report, the design of the project will not cause substantial environmental damage, and associated improvements will not cause serious public health problems.

C. The New Condominium Development (SBMC §27.13.080)

1. There is compliance with all provisions of the City's Condominium Ordinance.

The project complies with all provisions of the City's Condominium Ordinance, including density requirements, parking, laundry facilities, separate utility metering, adequate unit size, and the required outdoor living space, as identified in Section V of the staff report.

2. The proposed development is consistent with the General Plan of the city of Santa Barbara.

The project is consistent with policies of the City's General Plan including the Housing Element, Circulation Element, Conservation Element, and Land Use Element, as discussed in Section VI.B of the staff report. The project will provide an infill mixed-use development, including 37 residential units, 5 of which are affordable to middle-income homebuyers, that is compatible with the surrounding neighborhood, including the historic Arlington Theater.

3. The proposed development is consistent with the principles of sound community planning and will not have an adverse impact upon the neighborhood's aesthetics, parks, streets, traffic, parking and other community facilities and resources.

The project is an infill residential project proposed in an area where residential development is a permitted use. The project is adequately served by public streets, will provide adequate parking to meet the demands of the project and will not result in traffic impacts. The design has been reviewed by the City's design review board, which found the architecture and site design appropriate, as described in Section VI.A. of the staff report.

II. Said approval is subject to the following conditions:

- A. **Design Review.** The project is subject to the review and approval of the Historic Landmarks Commission (HLC). HLC shall not grant preliminary approval of the project until the following Planning Commission land use conditions have been satisfied, unless alternate timing is identified therein.

1. **Minimize Visual Effects of Paving.** Textured or colored pavement shall be used in paved areas of the project, except the underground parking garage, to minimize the visual effect of the expanse of paving, create a pedestrian environment, and provide access for all users.
2. **Screened Check Valve/Backflow.** The check valve or anti-backflow devices for fire sprinkler and/or irrigation systems shall be provided in a location screened from public view or included in the exterior wall of the building.
3. **Mural.** Per the project description, and as described in the Historic Structures Report prepared by Post/Hazeltine Associates and dated April 6, 2010, the existing mosaic mural shall be removed and reinstalled on site according to a plan approved by the historians of record and the Historic Landmarks Commission. The panels will maintain their original chronological progression (i.e. reading left to right). Photo-documentation of the mural and its setting prior to its removal shall be done in accordance with the City's MEA guidelines.
4. **Bicycle Parking Signage.** Signage for bicycle parking locations shall be provided on-site near the main points of access to the bicycle parking, such as the elevators. Signage may be incorporated into the Project Directory, or as separate signage, and is subject to the approval of the Transportation Manager.

5. **Bicycle Parking.** Provide secure bicycle parking spaces on the first floor of the development for residents and customers to facilitate bicycle use. For residential bicycle parking, it is preferred that at least a portion be provided in bicycle lockers, a bicycle room, or similar covered and ~~lockable~~lockable storage on the first floor of the development, if deemed aesthetically appropriate by the HLC. At least 50% of the provided on-site commercial bicycle parking spaces shall be ground mounted racks, and if possible, located in a common area outside of the parking garage.
6. **Paseo.** Re-study the paseo widths in the area near the southwest corner of the Arlington Theatre (between the garage ramp, residential units and Arlington Theatre) to facilitate pedestrian movement. Five feet, as currently provided, is inadequate.
7. **Market Entrance.** The applicant shall work with the HLC to further study the southeast (canted) corner of the market, possibly pulling back that feature to provide a larger view corridor.
8. **Landmark or Structure of Merit Designation.** Owner shall submit an application to the Historic Landmarks Commission for designation of the mosaic mural as a City Landmark (or Structure of Merit, as determined appropriate by the Historian and HLC) and shall waive their right to object to such designation. Such designation determination shall be completed prior to issuance of a Certificate of Occupancy for the Market building.

B. **Recorded Conditions Agreement.** Prior to the issuance of a Public Works permit or Building permit for the project on the Real Property, with the exception of a demolition permit, the Owner shall execute an *Agreement Relating to Subdivision Map Conditions Imposed on Real Property*, which shall be reviewed as to form and content by the City Attorney, Community Development Director and Public Works Director, recorded in the Office of the County Recorder, and shall include the following:

1. **Approved Development.** The development of the Real Property approved by the Planning Commission on August 12, 2010 is limited to 37 residential condominium units and 7,577 square feet of accessory residential square footage, 23,125 square feet of commercial development that may be subdivided into as many as 3 commercial condominium units, and the improvements shown on the Tentative Subdivision Map and project plans signed by the chairman of the Planning Commission on said date and on file at the City of Santa Barbara.
2. **Uninterrupted Water Flow.** The Owner shall provide for the uninterrupted flow of water onto the Real Property including, but not limited to, swales, natural watercourses, conduits and any access road, as appropriate.
3. **Recreational Vehicle Storage Prohibition.** No recreational vehicles, boats, or trailers shall be stored on the Real Property.
4. **Landscape Plan Compliance.** The Owner shall comply with the Landscape Plan approved by the Historic Landmarks Commission (HLC). Such plan shall not be modified unless prior written approval is obtained from the HLC. The landscaping on the Real Property shall be provided and maintained in accordance with said landscape plan. If said landscaping is removed for any reason without approval by the HLC, the owner is

responsible for its immediate replacement. The following tree protection measures shall be incorporated:

5. **Storm Water Pollution Control and Drainage Systems Maintenance.** Owner shall maintain the drainage system and storm water pollution control devices intended to intercept siltation and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) in a functioning state (and in accordance with the Operations and Maintenance Procedure Plan prepared in accordance with the Storm Water Management Plan BMP Guidance Manual). Should any of the project's surface or subsurface drainage structures or storm water pollution control methods fail to capture, infiltrate, and/or treat water, or result in increased erosion, the Owner shall be responsible for any necessary repairs to the system and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Community Development Director to determine if an amendment or a new Building Permit is required to authorize such work. The Owner is responsible for the adequacy of any project-related drainage facilities and for the continued maintenance thereof in a manner that will preclude any hazard to life, health, or damage to the Real Property or any adjoining property.
6. **Ownership Unit Affordability Restrictions.** The dwelling units designated as units number 101, 105, 109, 114 and 202 on the approved project plans shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:
 - a. Units No. 101, 109, 114, 202 (1-bedroom units) = \$236,400
 - b. Unit No. 105 (2-bedroom unit) = \$297,300The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.
7. **Residential Permit Parking Program.** Residents shall not participate in the Residential Permit Parking Program.
8. **Required Private Covenants.** The Owners shall record in the official records of Santa Barbara County either private covenants, a reciprocal easement agreement, or a similar agreement which, among other things, shall provide for all of the following:
 - a. **Common Area Maintenance.** An express method for the appropriate and regular maintenance of the common areas, common access ways, common utilities and other similar shared or common facilities or improvements of the development, which methodology shall also provide for an appropriate cost-sharing of such regular maintenance among the various owners of the condominium units.

- b. **Parking Spaces Available for Parking.** A covenant that includes a requirement that all residential parking spaces within the parking garage be kept open and available for the parking of vehicles owned by the residents of the property in the manner for which the spaces were designed and permitted.
 - c. **Landscape Maintenance.** A covenant that provides that the landscaping shown on the approved Landscaping Plan shall be maintained and preserved at all times in accordance with the Plan.
 - d. **Trash and Recycling.** Trash holding areas shall include recycling containers with at least equal capacity as the trash containers, and trash/recycling areas shall be easily accessed by the consumer and the trash hauler. Green waste shall either have containers adequate for the landscaping or be hauled off site by the landscaping maintenance company. If no green waste containers are provided for common interest developments, include an item in the CC&Rs stating that the green waste will be hauled off site.
 - e. **Gates.** Any gates that have the potential to block access to any designated commercial space shall be locked in the open position during business hours.
 - f. **Covenant Enforcement.** A covenant that permits each owner to contractually enforce the terms of the private covenants, reciprocal easement agreement, or similar agreement required by this condition.
- C. **Public Works Submittal Prior to Final Map Approval.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to processing the approval of the Final Map and prior to the issuance of any permits (with the exception of a demolition permit) for the project:
- 1. **Final Map.** The Owner shall submit to the Public Works Department for approval, a Final Map prepared by a licensed land surveyor or registered Civil Engineer. The Final Map shall conform to the requirements of the City Survey Control Ordinance.
 - 2. **Dedication(s).** Easements as shown on the approved Tentative Subdivision Map and described as follows, subject to approval of the easement scope and location by the Public Works Department and/or the Building and Safety Division:
 - A one-foot Easement for all street purposes along Victoria Street in order to satisfy the minimum requirements found in the Pedestrian Master Plan for public right-of-way frontage widths.
 - 3. **Water Rights Assignment Agreement.** The Owner shall assign to the City of Santa Barbara the exclusive right to extract ground water from under the Real Property in an *Agreement Assigning Water Extraction Rights*. Engineering Division Staff will prepare said agreement for the Owner's signature.
 - 4. **Required Private Covenants.** The Owner shall submit a copy of the *draft* private covenants, reciprocal easement agreement, or similar private agreements required for the project at the time of review of the Final Map.
 - 5. **Hydrology Report.** The Owner shall submit a final hydrology report prepared by a registered civil engineer demonstrating that the new development will not increase runoff

amounts above existing conditions for a 25-year storm event. Any increase in runoff shall be retained on-site. Ground water from around the foundation of the proposed structures, and any polluted water from the underground garage, may not be discharged to the public right of way. Discharge from the underground parking structure containing hydrocarbons *may* potentially be discharged to the City sewer system after treatment, with a special permit from the El Estero Wastewater Treatment Facility. *Contact Alex Alonzo at 568-1026 with questions about the sewer permit.* Please note that *under no circumstances* will groundwater be permitted to discharge to the sewer system, and *contaminated* groundwater will not be permitted to discharge to the storm drain system. *See Building and Safety comments about constructing the foundation for saturated conditions, in which case groundwater would not need to be pumped.*

6. **Drainage and Water Quality.** Project drainage shall be designed, installed, and maintained such that stormwater runoff from the first inch of rain from any storm event shall be retained and treated onsite in accordance with the City's NPDES Storm Water Management Program. Runoff should be directed into a passive water treatment method such as a bioswale, landscape feature (planter beds and/or lawns), infiltration trench, etc. Project plans for grading, drainage, stormwater treatment methods, and project development, shall be subject to review and approval by City Building Division and Public Works Department. Sufficient engineered design and adequate measures shall be employed to ensure that no significant construction-related or long-term effects from increased runoff, erosion and sedimentation, urban water pollutants or groundwater pollutants would result from the project. The Owner shall maintain the drainage system and storm water pollution control methods in a functioning state.

The Owner shall provide an Operations and Maintenance Procedure Plan (describing replacement schedules for pollution absorbing pillows, etc.) for the operation and use of the storm drain surface pollutant interceptors. The Plan shall be reviewed and approved consistent with the Storm Water Management Plan BMP Guidance Manual.

7. **Chapala Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Chapala Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *6-foot wide sidewalk, 4' parkway, and 1.5' frontage zone, supply and install new street trees as approved by the Park and Recreation Commission and tree grates per approval of HLC, one commercial driveway apron modified to meet Title 24 requirements, one standard access ramp with 12' curb radius and new concrete cross gutter at the intersection of Chapala and Victoria Streets, supply and install one Chapala Street style standard mid-block street light, crack seal to the centerline of the street along entire subject property frontage, slurry seal a minimum of 20-feet beyond the limits of all trenching, public drainage improvements with supporting hydrology report for installation of curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 CA MUTCD during construction, and provide adequate positive drainage from site.* C-1

plans shall be prepared by a civil engineer registered in the State of California. Any work in the public right-of-way requires a Public Works Permit.

8. **Victoria Street Public Improvements.** The Owner shall submit C-1 public improvement plans for construction of improvements along the property frontage on Victoria Street. Public Works C-1 plans shall be submitted separately from plans submitted for a Building Permit. As determined by the Public Works Department, the improvements shall include new and/or remove and replace to City standards, the following: *raise the existing sandstone curb to standard curb height, construct new concrete gutter and new 6-foot sidewalk along entire property frontage, construct 4' tree wells, and a 1.5' frontage zone, construct +/- 150 linear feet of sewer main, supply and install new street trees as approved by the Park and Recreation Commission with tree grates as approved by HLC, one commercial driveway apron modified to meet Title 24 requirements, crack seal to the centerline of the street along entire subject property frontage and slurry seal a minimum of 20 feet beyond the limits of all trenching, public drainage improvements with supporting hydrology report for installation of on-site slot/trench drain & curb drain outlets, preserve and/or reset survey monuments and contractor stamps, supply and install directional/regulatory traffic control signs per the 2006 CA MUTCD during construction, and provide adequate positive drainage from site.* C-1 plans shall be prepared by a civil engineer registered in the State of California. Any work in the public right-of-way requires a Public Works Permit.
 9. **Land Development Agreement.** The Owner shall submit an executed *Agreement for Land Development Improvements*, prepared by the Engineering Division, an Engineer's Estimate, signed, and stamped by a registered civil engineer, and securities for construction of improvements prior to execution of the agreement.
 10. **Removal or Relocation of Public Facilities.** Removal or relocation of any public utilities or structures must be performed by the Owner or by the person or persons having ownership or control thereof.
- D. **Public Works Requirements Prior to Building Permit Issuance.** The Owner shall submit the following, or evidence of completion of the following, to the Public Works Department for review and approval, prior to the issuance of a Building Permit (with the exception of a demolition permit) for the project.
1. **Recordation of Final Map Agreements.** After City Council approval, the Owner shall provide evidence of Final Map recordation to the Public Works and Community Development Departments prior to issuance of building permits.
 2. **Conceptual Public Improvement Plans.** Upon submittal of substantially complete (minimum 90%) public improvement plans, the Building Permit may be issued (or, subject to approval of the Public Works Department, in consultation with the Community Development Department, the applicant may provide securities for public improvements and provide assurances that said improvements will be completed within 12-months of executed *Land Development Agreement* for any public improvement construction associated with the project).
 3. **Traffic Control Plan.** A traffic control plan shall be submitted, as specified in the City of Santa Barbara Traffic Control Guidelines. Traffic Control Plans are subject to

approval by the Public Works Director/Transportation Manager. Construction and storage in the public right-of-way is prohibited during Fiesta in the affected areas (around McKenzie Park, Downtown and Waterfront) and during the Holiday Shopping Season (between Thanksgiving Day and New Years Day) in all commercial shopping areas, including but not limited to Upper State Street, the Mesa shopping area, Downtown and Coast Village Road.

1. **Water Meter.** Applicant shall work with the Public Works Department to consider an exception to allow provision of a single water meter with sub-meters, rather than multiple meters, to encourage provision of solar water heating.

E. **Community Development Requirements with the Building or Public Works Permit Application.** The following shall be submitted with the application for any Building or Public Works permit:

1. **Prepare a Structural Crack Survey and Video Reconnaissance.** At least twenty (20) days prior to the issuance of a demolition permit, Owner shall notify owners and occupants of structures within 100 feet of the project site property lines of the opportunity to participate in a structural crack survey and video reconnaissance of their property. Prior to the issuance of a demolition permit, Owner shall prepare a structural crack survey and video reconnaissance of the property of those owners or occupants who express a desire to participate in the survey. The purpose of the survey shall be to document the existing condition of neighboring structures within 100 feet of the project site property line and more than 50 years old. After each major phase of project development (demolition, grading, and construction), a follow-up structural crack survey and video reconnaissance of the property of those owners and occupants who have elected to participate in the survey. Prior to issuance of a certificate of occupancy, Owner shall meet with the owners and occupants who have elected to participate in the survey to determine whether any structural damage has occurred due to demolition, grading or construction at the project site.
2. **Recorded Affordability Covenant.** Submit to the Planning Division a copy of an affordability control covenant that has been approved as to form and content by the City Attorney and Community Development Director, and recorded in the Office of the County Recorder, which includes the following:
 - a. **Initial Sale Price Restrictions.** The dwelling units designated as units number 101, 105, 109, 114 and 202 on the Tentative Subdivision Map shall be designated as Affordable Middle Income Units and sold only to households who, at the time of their purchase, qualify as Middle Income Households as defined in the City's adopted Affordable Housing Policies and Procedures. The maximum sale prices upon initial sale shall not exceed the following:
 - (1) Units No. 101, 109, 114 and 202 (1-bedroom units) = \$236,400
 - (2) Unit No. 105 (2-bedroom unit) = \$297,300
 - b. **Resale Restrictions.** The Affordable Units shall be sold and occupied in conformance with the City's adopted Affordable Housing Policies and Procedures. The resale prices of the Affordable Units shall be controlled by

means of a recorded affordability covenant executed by Owner and the City to assure continued affordability for at least ninety (90) years from the initial sale of the affordable unit. No affordable unit may be rented prior to its initial sale.

3. Management Details. Provide additional details on management details for both the commercial and residential portions of the project.

F. **Building Permit Plan Requirements.** The following requirements/notes shall be incorporated into the construction plans submitted to the Building and Safety Division for Building permits:

1. **Design Review Requirements.** Plans shall show all design, landscape and tree protection elements, as approved by the Historic Landmarks Commission, outlined in Section A above.
2. **Shoring Design.** Special design of the shoring is required to minimize the potential for deflection that may damage the Arlington Theatre. A structural/civil engineer knowledgeable in this type of construction shall be retained to design the shoring and underpinning.
3. **Acoustic Report.** An acoustic report compliant with 2007 CBC section 1207.11.2 shall provide specific construction requirements so "Interior noise levels attributable to exterior sources shall not exceed 45 dB in any habitable room."
4. **Grading Plan Requirement for Archaeological Resources.** The following information shall be printed on the grading plans:

If archaeological resources are encountered or suspected, work shall be halted or redirected immediately and the Planning Division shall be notified. The archaeologist shall assess the nature, extent, and significance of any discoveries and develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Planning Division grants authorization.

5. **Post-Construction Erosion Control and Water Quality Plan.** Provide an engineered drainage plan that addresses the existing drainage patterns and leads towards improvement of the quality and rate of water run-off conditions from the site by

capturing, infiltrating, and/or treating drainage and preventing erosion. The Owner shall employ passive water quality methods, such as bioswales, catch basins, or storm drain on the Real Property, or other measures specified in the Erosion Control Plan, to intercept all sediment and other potential pollutants (including, but not limited to, hydrocarbons, fecal bacteria, herbicides, fertilizers, etc.) from the parking lot areas and other improved, hard-surfaced areas prior to discharge into the public storm drain system, including any creeks. All proposed methods shall be reviewed and approved by the Public Works Department and the Community Development Department. Maintenance of these facilities shall be provided by the Owner, as outlined in Condition B.5, above, which shall include the regular sweeping and/or vacuuming of parking areas and drainage and storm water methods maintenance program.

6. **Trash Enclosure Provision.** A trash enclosure with adequate area for recycling containers (an area that allows for a minimum of 50 percent of the total capacity for recycling containers) shall be provided on the Real Property and screened from view from surrounding properties and the street.

Dumpsters and containers with a capacity of 1.5 cubic yards or more shall not be placed within five (5) feet of combustible walls, openings, or roofs, unless protected with fire sprinklers.

7. **Guest Parking.** Two guest parking space(s) shall be provided on the lot to serve the two "Guest Rooms" in addition to the residential and commercial parking spaces required by the Zoning Ordinance. Their size and location shall be approved by the Public Works Director.

~~8. **Bicycle Parking.** In addition to the general requirements for bicycle parking spaces, at least 10 residential bicycle parking spaces shall be provided on the first floor in either bicycle lockers, a bicycle room, or similar covered and lockable storage. At least 50% of the provided on-site commercial bicycle parking spaces shall be ground mounted racks, and if possible, located in a common area outside of the parking garage.~~

- ~~9.8.~~ **Project Directory.** A project directory, including map and parking directional signs, listing all units on-site shall be indicated on the project plans. This directory shall be lit sufficiently for readability for site visitors and placed in a location or locations acceptable to the Fire Department, shall meet current accessibility requirements, and is subject to Sign Committee Approval.

~~10.9.~~ **Conditions on Plans/Signatures.** The final Planning Commission Resolution shall be provided on a full size drawing sheet as part of the drawing sets. Each condition shall have a sheet and/or note reference to verify condition compliance. If the condition relates to a document submittal, indicate the status of the submittal (e.g., Final Map submitted to Public Works Department for review). A statement shall also be placed on the above sheet as follows: The undersigned have read and understand the above conditions, and agree to abide by any and all conditions which is their usual and customary responsibility to perform, and which are within their authority to perform.

Signed:

| | |
|----------------|-------------|
| Property Owner | Date |
| Contractor | Date |
| Contractor | License No. |
| Architect | Date |
| Architect | License No. |
| Engineer | Date |
| Engineer | License No. |

- G. **Construction Implementation Requirements.** All of these construction requirements shall be carried out in the field by the Owner and/or Contractor for the duration of the project construction.
1. **Demolition/Construction Materials Recycling.** Recycling and/or reuse of demolition/construction materials shall be carried out to the extent feasible, and containers shall be provided on site for that purpose, in order to minimize construction-generated waste conveyed to the landfill. Indicate on the plans the location of a container of sufficient size to handle the materials, subject to review and approval by the City Solid Waste Specialist, for collection of demolition/construction materials. A minimum of 90% of demolition and construction materials shall be recycled or reused. Evidence shall be submitted at each inspection to show that recycling and/or reuse goals are being met.
 2. **Vibration.** During demolition of the existing site improvements, care shall be taken to ensure that excessive vibrations of the ground closest to the Arlington Theatre do not occur. Any piece of pneumatic machinery used in the demolition process should be restricted to working at least 20 feet away from the Theatre.
 3. **Sandstone Curb Recycling.** Any existing sandstone curb in the public right-of-way that is removed and not reused shall be salvaged and sent to the City Corporation Annex Yard.
 4. **Construction-Related Truck Trips.** Construction-related truck trips shall not be scheduled during peak hours (7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.). The purpose of this condition is to help reduce truck traffic on adjacent streets and roadways.
 5. **Construction Related Traffic Routes Require Separate Permit.** The route of construction-related traffic shall be established to minimize trips through surrounding residential neighborhoods, subject to approval by the Transportation Manager.
 6. **Haul Routes Require Separate Permit.** The haul route(s) for all construction-related trucks with a gross vehicle weight rating of three tons or more, entering or exiting the site, shall be approved by the Transportation Manager.
 7. **Traffic Control Plan.** All elements of the approved Traffic Control Plan shall be carried out by the Contractor.

8. **Construction Hours.** Construction (including preparation for construction work) is prohibited Monday through Friday before 7:00 a.m. and after 5:00 p.m., and all day on Saturdays, Sundays and holidays observed by the City of Santa Barbara, as shown below:

| | |
|-------------------------------|-----------------------------------|
| New Year's Day | January 1st* |
| Martin Luther King's Birthday | 3rd Monday in January |
| Presidents' Day | 3rd Monday in February |
| Cesar Chavez's Birthday | March 31st |
| Memorial Day | Last Monday in May |
| Independence Day | July 4th* |
| Labor Day | 1st Monday in September |
| Thanksgiving Day | 4th Thursday in November |
| Following Thanksgiving Day | Friday following Thanksgiving Day |
| Christmas Day | December 25th* |

*When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.

When, based on required construction type or other appropriate reasons, it is necessary to do work outside the allowed construction hours, contractor shall contact the Chief of Building and Safety to request a waiver from the above construction hours, using the procedure outlined in Santa Barbara Municipal Code §9.16.015 Construction Work at Night. Contractor shall notify all residents within 300 feet of the parcel of intent to carry out night construction a minimum of 48 hours prior to said construction. Said notification shall include what the work includes, the reason for the work, the duration of the proposed work and a contact number.

9. **Construction Parking/Storage/Staging.** Construction parking and vehicle/equipment/materials storage shall be provided as follows:
- During construction, free parking spaces for construction workers and construction equipment shall be provided on-site or off-site in a location subject to the approval of the Public Works Director. Construction workers are prohibited from parking within the public right-of-way, except as outlined in subparagraph b. below.
 - Parking in the public right of way is permitted as posted by Municipal Code, as reasonably allowed for in the 2006 Green **b**Book (or latest reference), and with a Public Works permit in restricted parking zones. No more than three (3) individual parking permits without extensions may be issued for the life of the project.
 - Storage or staging of construction materials, equipment or vehicles within the public right-of-way shall not be permitted, unless approved by the Transportation Manager.
10. **Water Sprinkling During Grading.** The following dust control measures shall be required, and shall be accomplished using recycled water whenever the Public Works Director determines that it is reasonably available:
- Site grading and transportation of fill materials.

- b. Regular water sprinkling; during clearing, grading, earth moving or excavation.
 - c. Sufficient quantities of water, through use of either water trucks or sprinkler systems, shall be applied on-site to prevent dust from leaving the site.
 - d. Each day, after construction activities cease, the entire area of disturbed soil shall be sufficiently moistened to create a crust.
 - e. Throughout construction, water trucks or sprinkler systems shall also be used to keep all areas of vehicle movement on-site damp enough to prevent dust raised from leaving the site. At a minimum, this will include wetting down such areas in the late morning and after work is completed for the day. Increased watering frequency will be required whenever the wind speed exceeds 15 mph.
- 11. **Construction Dust Control - Expeditious Paving.** All roadways, driveways, sidewalks, etc., shall be paved as soon as possible. Additionally, building pads shall be laid as soon as possible after grading unless seeding or soil binders are used, as directed by the Building Inspector.
 - 12. **Construction Dust Control - Gravel Pads.** Gravel pads, 3 inches deep, 25 feet long, 12 feet wide per lane and edged by a rock berm or a pipe grid track out control device shall be installed at all access points to the project site to reduce mud/dirt track out on to public roads from unpaved truck exit routes.
 - 13. **Street Sweeping.** The property frontage and adjacent property frontages, and parking and staging areas at the construction site shall be swept daily to decrease sediment transport to the public storm drain system and dust.
 - 14. **Construction Best Management Practices (BMPs).** Construction activities shall address water quality through the use of BMPs, as approved by the Building and Safety Division.
 - 15. **Construction Contact Sign.** Immediately after Building permit issuance, signage shall be posted at the points of entry to the site that list the contractor(s) name, contractor(s) telephone number(s), work hours, site rules, and construction-related conditions, to assist Building Inspectors and Police Officers in the enforcement of the conditions of approval. The font size shall be a minimum of 0.5 inches in height. Said sign shall not exceed six feet in height from the ground if it is free-standing or placed on a fence. It shall not exceed 24 square feet if in a multi-family or commercial zone or six square feet if in a single family zone.
 - 16. **Construction Equipment Maintenance/Sound Control.** All construction equipment, including trucks, shall be professionally maintained and fitted with standard manufacturers' muffler and silencing devices.
 - 17. **Graffiti Abatement Required.** Owner and Contractor shall be responsible for removal of all graffiti as quickly as possible. Graffiti not removed within 24 hours of notice by the Building and Safety Division may result in a Stop Work order being issued, or may be removed by the City, at the Owner's expense, as provided in SBMC Chapter 9.66.
 - 18. **Unanticipated Archaeological Resources Contractor Notification.** Prior to the start of any vegetation or paving removal, demolition, trenching or grading, contractors and

construction personnel shall be alerted to the possibility of uncovering unanticipated subsurface archaeological features or artifacts associated with past human occupation of the parcel. If such archaeological resources are encountered or suspected, work shall be halted immediately, the City Environmental Analyst shall be notified and the applicant shall retain an archaeologist from the most current City Qualified Archaeologists List. The latter shall be employed to assess the nature, extent and significance of any discoveries and to develop appropriate management recommendations for archaeological resource treatment, which may include, but are not limited to, redirection of grading and/or excavation activities, consultation and/or monitoring with a Barbareño Chumash representative from the most current City qualified Barbareño Chumash Site Monitors List, etc.

If the discovery consists of possible human remains, the Santa Barbara County Coroner shall be contacted immediately. If the Coroner determines that the remains are Native American, the Coroner shall contact the California Native American Heritage Commission. A Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

If the discovery consists of possible prehistoric or Native American artifacts or materials, a Barbareño Chumash representative from the most current City Qualified Barbareño Chumash Site Monitors List shall be retained to monitor all further subsurface disturbance in the area of the find. Work in the area may only proceed after the Environmental Analyst grants authorization.

- H. **Prior to Certificate of Occupancy.** Prior to issuance of the Certificate of Occupancy, the Owner of the Real Property shall complete the following:
1. **Repair Damaged Public Improvements.** Repair any damaged public improvements (curbs, gutters, sidewalks, roadways, etc.) subject to the review and approval of the Public Works Department per SBMC §22.60.090. Where tree roots are the cause of the damage, the roots shall be pruned under the direction of a qualified arborist.
 2. **Complete Public Improvements.** Public improvements, as shown in the separate C-1 improvement plans, including utility service undergrounding and installation of street trees, shall be completed.
 3. **Cross-Connection Inspection.** The Owner shall request a cross connection inspection by the Public Works Water Reclamation/Cross Connection Specialist.
 4. **Fire Hydrant Replacement.** The residential hydrant in front of 1325 Chapala Street shall be upgraded to a commercial hydrant.
 5. **Manholes.** Raise all sewer and water manholes on easement to final finished grade (if any).
 6. **Ownership Affordability Provisions Approval.** For all dwelling units subject to affordability conditions obtain from the Community Development Director, or Director's designee in the City's Housing Programs Division, written approval of the following: (a) the Marketing Plan as required by the City's Affordable Housing Policies and

Procedures; (b) the initial sales prices and terms of sale (including financing); (c) the eligibility of the initial residents; and (d) the recorded affordability control covenants signed by the initial purchasers which assure continued compliance with the affordability conditions.

7. **New Construction Photographs.** Photographs of the new construction, taken from the same locations as those taken of the story poles prior to project approval, shall be taken, attached to 8 ½ x 11" board and submitted to the Planning Division.
 8. **Evidence of Private CC&Rs Recordation.** Evidence shall be provided to the Community Development Department that the private CC&Rs required in Section B have been recorded.
- I. **Litigation Indemnification Agreement.** In the event the Planning Commission approval of the Project is appealed to the City Council, Applicant/Owner hereby agrees to defend the City, its officers, employees, agents, consultants and independent contractors ("City's Agents") from any third party legal challenge to the City Council's denial of the appeal and approval of the Project, including, but not limited to, challenges filed pursuant to the California Environmental Quality Act (collectively "Claims"). Applicant/Owner further agrees to indemnify and hold harmless the City and the City's Agents from any award of attorney fees or court costs made in connection with any Claim.
- Applicant/Owner shall execute a written agreement, in a form approved by the City Attorney, evidencing the foregoing commitments of defense and indemnification within thirty (30) days of the City Council denial of the appeal and approval of the Project. These commitments of defense and indemnification are material conditions of the approval of the Project. If Applicant/Owner fails to execute the required defense and indemnification agreement within the time allotted, the Project approval shall become null and void absent subsequent acceptance of the agreement by the City, which acceptance shall be within the City's sole and absolute discretion. Nothing contained in this condition shall prevent the City or the City's Agents from independently defending any Claim. If the City or the City's Agents decide to independently defend a Claim, the City and the City's Agents shall bear their own attorney fees, expenses, and costs of that independent defense.

NOTICE OF DEVELOPMENT PLAN TIME LIMITS:

The development plan approved, per Santa Barbara Municipal Code §28.87.350, shall expire four (4) years from the date of approval unless:

1. A building or grading permit for the work authorized by the development plan is issued prior to the expiration date of the approval.
2. A time extension is granted by the Staff Hearing Officer for one (1) year prior to the expiration date of the approval, only if it is found that there is due diligence to implement and complete the proposed project. No more than one (1) time extension may be granted.

NOTICE OF TENTATIVE SUBDIVISION MAP (INCLUDING NEW CONDOMINIUMS AND CONDOMINIUM CONVERSIONS) TIME LIMITS:

The Planning Commission's action approving the Tentative Map shall expire two (2) years from the date of approval. The subdivider may request an extension of this time period in accordance with Santa Barbara Municipal Code §27.07.110.

This motion was passed and adopted on the 12th day of August, 2010 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 5 NOES: 2 (Jacobs, Lodge) ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez, Planning Commission Secretary

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.